

EXHIBIT 5

Incident on 10/20/10

6th hour

At the beginning of my 6th hour students asked what the "Tyler's Army" t-shirts were about. This led to the beginning of a discussion about anti-bullying. One female student entered class wearing a confederate flag belt buckle. This student knows that I do not allow confederate flags in my class. I asked her to remove the belt buckle and she did so without incident. At this point another student raised his hand and asked why she had to remove the belt buckle. I explained that the confederate flag is seen as a symbol of discrimination. The student then said "well gays get to fly their rainbow flag." I explained the rainbow flag is not a part of the discussion and hasn't been associated with lynchings, mob violence, or discrimination. The student then said that he does not accept gays. I told him he could not say that in class that it was inappropriate. He asked why is it inappropriate? He said it was against his religion. I said that was fine but that it was inappropriate to say that in class. I did get emotional at this time as there are students in the class that this would affect in an adverse way. I related the situation to discrimination against African Americans. I explained to the class that just as you can't say, "I don't accept blacks" in class you can't say "I don't accept gays" in class. It doesn't matter if it is your religion, you can't say it in class. I then asked the student if he accepted gays or not. He said he did not. I threw him out of class and wrote up a referral for unacceptable behavior. Another male student walked in at that moment and said loudly, "well I don't accept gays either can I leave." I said, "yes get out." It is a sad thing that our students feel they can openly voice their discrimination like this in class and school.

I then called Jen Goodwin who sent up a security guard and escorted the boys out. I was visibly angry, I am sure, and very upset that these students were so inconsiderate of others. A couple students then raised their hand and asked why I had thrown them out and why didn't they have free speech. I explained that a student cannot voice an opinion that creates an uncomfortable learning environment for another student. I again explained that just as you can't say "I don't like blacks in class" you can't say "I don't like gays in class." A student said well it is my religion. I said that's fine but you can't say it in class. Another student said it is against Christianity and then several students said, "No its not. My church doesn't teach that." After a few more minutes the conversation wound down and we returned to the lesson plan for the day. One student after class came up and thanked me for discussing the issue and for saying something about it. He said he felt like screaming several times during the discussion.

At no point did I tell any student that their religion was wrong, or that the Bible was wrong. At no point did I talk about "Don't ask don't tell."

Jay McDowell

